

**BEFORE THE
TENNESSEE STATE BOARD OF EQUILIZATION**

In Re: Taxpayers represented by Caruthers & Associates)	
See Attached list of Properties)	Shelby County
Tax Year 2001, 2002, 2003, 2004)	

ORDER

During the course of resolving various appeals filed by Jerry Caruthers of Caruthers & Associates on behalf of various taxpayers in Shelby County several settlements have caused concern due to the drastic reduction in assessment values. The Assessment Appeals Commission has said in the past:

The Commission finds that Code Section 4-5-105 encourages informal settlement of administrative proceedings but **does not require** either the parties to such proceedings or **the administrative judge** or agency to accept such settlements. (emphasis supplied)
First Tennessee Bank, NA, 1990, Knox County .

In other words, the function of the administrative judge is not to be a rubber stamp on settlements. While reviewing and deciding if the settlements are appropriate one must also consider that:

It is a fundamental rule that all property shall be taxed and bear its **just share** of the cost of government, and no property shall escape this common burden, unless it has been duly exempted by organic or statute law; and that one claiming such exemption has the burden of showing his right to it. 2 Cooley on Taxation (4th Ed.) sec. 672; American Bemberg Corp. v. Elizabethton, 180 Tenn. 373, 378, 175 S.W.2d 535; American Nat. B. & T. Co. of Chatta. v. MacFarland, 209 Tenn. 263, 352 S.W.2d 441, 443, 444. (emphasis supplied)

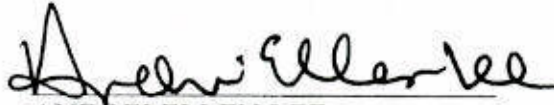
"Taxes are the life blood of civil government. The right of taxation is an attribute of sovereignty. It is inherent in the state, and essential to the perpetuity of its institutions; consequently he who claims exemption must justify his claim by the clearest grant of organic or statute law". Knoxville & O. R. Co. v. Harris, 99 Tenn. 684, 693, 43 S.W. 115, (Tenn.App. 1897)

While the above cited cases are about exemptions, the basic premise is the same, every property in the State of Tennessee must bear its fair share in ad valorem taxation. The settlements proposed may be appropriate and just, this Order is not to imply otherwise, however, before they can be signed further explanation is needed.

Therefore, the parties can elect to discuss the matters on Tuesday, April 11, 2006, at the pre-hearing conference status review or have a hearing on them on Monday, June 12, 2006, beginning at 9:00 am in the Conference Room at the State Board of Equalization.

It is so **ORDERED**.

Entered on this the 28th day of March, 2006.

A handwritten signature in black ink, appearing to read "Andrei Ellen Lee". The signature is fluid and cursive, with a large initial 'A'.

ANDREI ELLEN LEE
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

cc: Jerry Caruthers, Caruthers and Associates, Agent.
Tamcka Stanton-Riley, Shelby County Assessor of Property Office

ATTACHMENT

Shelby County Appeals Represented by
Caruthers & Assoc. Inc.

	<u>Parcel ID</u>	<u>Tax Year</u>
Covington Springs Associates LP	087-004-0016	2001
LFM Inc. Center	050-119-00052	2004
LFM Inc. Center	050-119-00054	2004
Union Realty Co. Ltd.	060-086-00040C	2004
Belz Investment Co.	060-230-00032	2004
Belz Investco LP (PSO)	072-107-00313	2004
Belz Investment Co. Inc.	076-013-00171	2004
Bico Associates	090-078-00015	2004
Belz Investco LP (PSO)	092-012-00020	2004
Belz Investment Co. Inc.	049-002-00003	2001 & 2002
LFM Inc. Center	050-119-00052	2001-2003
LFM Inc. Center	050-119-00054	2001-2003
Belz Investco LP (PSO)	072-107-00313	2001-2003
Union Realty Co. Ltd.	049-008-00071	2002 & 2003
Belz Investco LP	050-040-00001	2001
Cordova Associates PSO	D02-08-00245	2002
Belz Investco LP (PSO)	092-012-00020	2001-2003
Bico Associates	090-078-00015	2001-2003
Belz Investco LP (PSO)	089-044-00158	2000